



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,973	12/20/2001	Andreas Arning	DE920000058US1	2103

25259 7590 04/20/2006

IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/034,973	Applicant(s) ARNING, ANDREAS	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment dated February 17, 2006 has been entered and considered. Claims 1, 10 and 19 were amended. No claims were added or canceled. Thus, the currently pending claims considered below remain Claims 1 - 24.

Claim Rejections - 35 USC § 101

2. The amendment dated February 17, 2006 corrected the 35 U.S.C. 101 deficiencies of claims 10 – 18. Therefore, the 35 USC 101 rejection raised in the Office Action dated November 17, 2005 is hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowell (U.S. Patent Number: 6,381,632).

Claim 1: Lowell discloses, in a computing environment, a system for providing a reward to a user of the Internet for desired web site visiting behavior, said system comprising:

- a. Means located at a first sever for loading a first web document over the internet to a user's computer, said first web document having a hyperlink to a different server for a second web document. (Col 3, line 60 through Col 4, line 3)
- b. Means for monitoring at the first server whether said user selects said hyperlink to navigate to said second web document. (Col 4, line 37 through Col 5, line 12)
- c. Means at said first server responsive to a detection for monitoring whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)
- d. Means at first server for providing a reward to said user in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

Claim 2: Lowell discloses the system of claim 1, further comprising:

- a. Means for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)

- b. Means for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)
- c. Means for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 3: Lowell discloses the system of claim 1, wherein the user accesses the first and second web documents on the user's computer which is a client computer, said system further comprising:

- a. Means for storing a client computer system time in response to the user selecting the hyperlink. (Col 6, lines 50-55)
- b. Means for calculating a time value for time spent at the second web document by comparing a current client computer system time to the stored client computer system time when the user returns to the first web document, wherein the reward is provided to the user only if the time value is greater than a first threshold value and smaller than a second threshold value. (Col 6, lines 50-55 and Col 7, lines 26-34)

Claim 4: Lowell discloses the system of claim 3, wherein said means for providing the reward to the user further comprising means for providing positively priced information to the client computer. (Col 6, line 65 through Col 7, line 5; and Col 9, lines 1-5)

Claim 5: Lowell discloses the system of claim 3, wherein the first web document is associated with a server computer and said means for providing the reward further comprises:

- a. Means for storing unique user identification data on the client computer. (Col 6, lines 27-30)
- b. Means for storing user information required to reward the user on the server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)
- c. Means for providing the unique user identification data to the server computer in response to the user returning to the first web document for retrieval of the user information to effect the reward. (Col 4, line 37 through Col 5, line 13)

Claim 6: Lowell discloses the system of claim 1, further comprising means for loading program data to the user's computer concurrently with the loading of the first web document, the program data being executable for monitoring the user selecting the hyperlink and returning to the first document and for requesting the reward when the user returns to the first web document. (Col 4, lines 4-27; Col 5, lines 26-36; and Col 7, lines 6-15)

Claim 7: Lowell discloses the system of claim 2, wherein said first threshold value is a time period necessary for a human user to perceive information provided by the second web document. (Col 7, lines 6-15)

Claim 8: Lowell discloses the system according to claim 1, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

Claim 9: Lowell discloses the system according to claim 1, farther comprising: means for administrating statistical information after said user returns to said first web document to measure attractiveness of said second web document due to its accessibility through said hyperlink from said first web document. (Col 8, lines 6-21)

Claim 10: Lowell discloses a computer readable code, loaded in memory for execution on a computer, for providing a reward to a user of the Internet for desired web site visiting behavior, said code comprising:

a. First subprocesses for loading a first web document from a first server over the Internet to a user's computer, said first web document having a hyperlink to a second web document located at a second server connected by the internet to the user's computer and the first server. (Col 3, line 60 through Col 4 line 3)

b. Second subprocesses for monitoring whether said user selects the hyperlink to navigate to said second web document. (Col 4, line 37 through Col 5, line 12)

c. Third subprocesses for monitoring whether said user returns to said first document from said first server. (Col 4, line 37 through Col 5, line 12)

d. Fourth subprocesses for providing a reward to said user over the internet from the first server in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

Claim 11: Lowell discloses a computer readable code according to claim 10, further comprising:

a. Fifth subprocesses for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)

b. Sixth subprocesses for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)

c. Seventh subprocesses for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 12: Lowell discloses a computer readable code according to claim 10, wherein the user accesses the first and second web documents on the user's computer which is a client computer, said code farther comprising:

- a. Eighth subprocesses for storing a client computer system time in response to the user selecting the hyperlink. (Col 6, lines 50-55)
- b. Ninth subprocesses for calculating a time value for time spent at the second web document by comparing a current client computer system time to the stored client computer system time when the user returns to the first web document, wherein the reward is provided to the user only if the time value is greater than a first threshold value and smaller than a second threshold value. (Col 6, lines 50-55 and Col 7, lines 26-34)

Claim 13: Lowell discloses a computer readable code according to claim 12, wherein said fourth subprocesses further comprises providing positively priced information to the client computer. (Col 6, line 65 through Col 7, line 5; and Col 9, lines 1-5)

Claim 14: Lowell discloses a computer readable code according to claim 12, wherein the first web document is associated with a server computer and said fourth subprocesses further comprises:

- a. Tenth subprocesses for storing unique user identification data on the client computer. (Col 6, lines 27-30)
- b. Eleventh subprocesses for storing user information required to reward the user on the server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)

- c. Twelfth subprocesses for providing the unique user identification data to the server computer in response to the user returning to the first web document for retrieval of the user information to effect the reward.
(Col 4, line 37 through Col 5, line 13)

Claim 15: Lowell discloses a computer readable code according to claim 10, further comprising thirteenth subprocesses for loading program data to the user's computer concurrently with the loading of the first web document, the program data being executable for monitoring the user selecting the hyperlink and returning to the first document and for requesting the reward when the user returns to the first web document. (Col 4, lines 4-27; Col 5, lines 26-36; and Col 7, lines 6-15)

Claim 16: Lowell discloses a computer readable code according to claim 11, wherein said first threshold value is a time period necessary for a human user to perceive information provided by the second web document. (Col 7, lines 6-15)

Claim 17: Lowell discloses a computer readable code according to claim 16, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

Claim 18: Lowell discloses a computer readable code according to claim 10, further comprising: fourteenth subprocesses for administering statistical

information after said user returns to said first web document to measure attractiveness of said second web document due to its accessibility through said hyperlink from said first web document. (Col 8, lines 6-21)

Claim 19: Lowell discloses a computerized method to provide a reward to a user interacting with a computer network, said method comprising the steps of:

- a. Loading a first document from a first server over the internet onto a network access device of the user in response to a user request to download the first document received at the first server over the computer network, the first document having a hyperlink to a second document on a second server connected to the computer network. (Col 3, line 60 through Col 4, line 3)
- b. Determining whether said user selects the hyperlink and navigates to receive said second document over the computer network from the second server. (Col 4, line 37 through Col 5, line 12)
- c. Determining whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)
- d. Providing a reward to said user after said user returns to said first document. (Col 6, line 65 through Col 7, line 5)

Claim 20: Lowell disclose the computerized method of claim 19, further comprising the steps of:

a. If it is determined that the user has returned to the first document, determining an amount of time for the user spent by the user before returning to the first document. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)

b. Comparing the amount of time to a first threshold value and a second threshold value. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)

c. Providing the reward only if the amount of time is greater than the first threshold value and smaller than the second threshold value. (Col 7, lines 27-34)

Claim 21: Lowell discloses the computerized method of claim 19, wherein the user accesses at least one server computer associated with the computer network using the network access device, said method further comprising the steps of:

a. Storing unique user identification data on the network access device. (Col 6, lines 27-30)

b. Storing user information required to reward the user by said server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)

- c. Providing the unique user identification data to the server computer in response to the user returning to the first document for retrieval of the user information to effect the reward. (Col 4, line 37 through Col 5, line 13)

Claim 22: Lowell discloses the computerized method according to claim 20, wherein said first threshold is a time period necessary for a human user to perceive information provided by the second document. (Col 7, lines 6-15)

Claim 23: Lowell discloses the computerized method according to anyone of claim 19, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

Claim 24: Lowell discloses the computerized method according to claim 19, further comprising the step of: administrating statistical information after said user returns to said first document to measure attractiveness of said second document due to its accessibility through said hyperlink from said first document. (Col 8, lines 6-21)

Response to Arguments

- 5 Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive.

The applicant argues that the Lowell reference discloses a client and the analyzer are located on the same machine, and that the applicants invention is directed to a process whereby the client must traverse the internet and access a server practicing the applicants invention to set detection and the reward process in motion. However, the Lowell reference is not limited to the interpretation set forth in the applicant's arguments. The Lowell invention is directed toward incorporating his invention on a node in a network. Whether that node is located at the head end of the network connection or located on remote computer running a web server is immaterial to the operation of the disclosed invention. In response to the applicant's use of Figure 2 in the Lowell reference, Fig. 2 illustrates an embodiment of the Lowell invention incorporated into a personal computer connected to a network, this embodiment was illustrated for clarity and ease of description (Col 3, lines 2 – 7; and Col 3, lines 40 – 48). Furthermore, Lowell discloses related art that includes a product that is loaded on a remote server that clients can access over the Internet (SiteTrack)(Col 2, lines 1 – 15). Regarding the applicant's argument about the winsock typically being part of the client the examiner points out that whether you are dealing with operating system specific socket applications or developing raw socket applications, a network connection means that both the server and the client have active socket applications.

The applicant also argues that Lowell does not teach a web document containing a hyperlink. However, Lowell: Col 4, line 62 through Col 5, line 13 disclose monitoring use activities including browsing and downloading which

inherently teach that the web document in which the client is interacting has hyperlinks to other web documents.

The applicant argues that Lowell does not teach a provision for a reward upon return to the first server from the second web document. However, Lowell: Col 4, line 62 through Col 5 line 13 and Col 6 lines 56 – 64)) disclose designating recordable activities that are stored via a raw activity file. These activities include connecting, disconnecting, and browsing. Lowell further discloses providing rewards for such recordable activities. Therefore, when recording connect and disconnects, an award may be given for disconnecting from a first web document and later returning to the first web document from a second web document.

The applicant argues that the timing of an interval between departure via a hyperlink and a subsequent return to the first document is not disclosed in Lowell. However, Lowell discloses providing rewards based upon various activities such as connecting to a website, browsing a website, and disconnecting from a website (Col 5, lines 1 – 12). Each of these activities is stored in a raw activity file that includes timestamps for each activity (Col 6, lines 5 – 20). Since browsing is one of the identified activities and the act of browsing cannot be relegated to a specific point in time, Lowell has inherently disclosed that his invention is operable to generate timing intervals specific to the amount of time spent on a website and providing rewards for such action. In regards to the comparison of thresholds, the examiner see little or no wait to the thresholds as currently claimed by the applicant because they provide no guidance as to intended bounds. The Examiner has interpreted the lower threshold

in Lowell to be any time greater than zero, meaning that the client never followed the hyperlink in the first place. The Examiner has interpreted the upper threshold to be a real number approaching infinity. Therefore, as long as a browsing time interval can be recorded it will meet the language specified in the applicant's claims.

Conclusion

- 6 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


- 7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jvb


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600